

In the Court of Appeals of the State of Alaska

Carlton W. Donnelly,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals Nos. **A-13597 & A-13598**

Order

Date of Order: **10/22/2021**

Trial Court Case Nos. **3AN-11-13926CR, 3AN-14-08520CR**

Before: Wollenberg, Harbison, and Terrell, Judges.

The Public Defender Agency has requested permission to withdraw from these appeals and has asked this Court to appoint new counsel to the Appellant, Carlton W. Donnelly. The Agency states that, given this Court's denial of its most recent motions for an extension to file the opening brief in these appeals, the Agency cannot comply with the filing deadline imposed by this Court and thus cannot fulfill its ethical responsibilities to Donnelly and to the Agency's other clients. (In the alternative, the Agency asks this Court to reconsider the denial of its extension requests.)

The State opposes the Agency's motion. Among other things, the State notes the age of these appeals, pointing out that the Agency has already received extensions totaling over 500 days in each case.

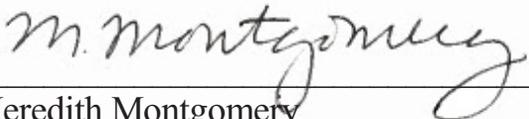
If the Agency is allowed to withdraw, the Office of Public Advocacy would become responsible for representing Donnelly in these appeals. The Court therefore concludes that it would be appropriate to hear the Office of Public Advocacy's position on the Agency's motion.

Accordingly, IT IS ORDERED:

1. On or before October 29, 2021, the Office of Public Advocacy shall file a response to the Agency's motion to withdraw.
2. The response need not conform with Appellate Rule 212, although the response must include appropriate citations to legal authority.
3. The Clerk of the Appellate Court is directed to provide to the Office of Public Advocacy a copy of this Court's two orders on Donnelly's extension requests (dated October 1, 2021), the Agency's motion to withdraw, and the State's oppositions to the Agency's motion to withdraw. (The Agency filed a consolidated motion in both appeals, and the State filed separate pleadings in opposition in each appeal.)

Entered at the direction of the Court.

Clerk of the Appellate Courts



Meredith Montgomery

cc: Brooke Berens, Office of Public Advocacy

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